IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.508 OF 2005

Shri.Devendra Narayan Mishra
and Ors. ..Petitioners

Vs.

Shri.Girdhari Prasad Gupta
and Anr. ..Respondents

....

Mr. D.C.Mishra Advocate for Petitioners
Mr. L.H.Belindaje for Respondent no.1
Mr. D.P.Adsule, A.P.P. for the State

....

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 1, 2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Judicial Magistrate F.C. Ist Court, Kalyan in C.C.No.157/04. The said case is under Sections 323, 324, 452, 504 and 506 r.w. 34

of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners states that necessary revision will be filed by 29th July, 2005. In view of this statement, the interim relief granted by this Court, is extended till then.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the

matter on merits after hearing the necessary parties. The learned advocate for the respondent-original complainant fairly states that no objection will be raised in respect of delay in filing the revision before the Sessions Court.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]